

Amendments to the Drawings

Accompanying this paper is a 40-page Appendix containing 20-pages of Replaced Drawing Sheets and 20-pages of Replaced Drawing Sheets. Please replace the Replaced Sheets with the Replacement Sheets. The Office action did not indicate whether the drawings as-filed were acceptable, however, as the as-filed drawings are considered "informal", formal drawings are provided herewith.

Attachment: Replacement Sheet

Replaced as-filed Sheets - no changes

REMARKS/ARGUMENTS

In the First Office action, dated April 21, 2005, the Examiner

- (a) rejected claims 1-4, inclusive, 7, 10, 11, 15-19, inclusive, 21-30, inclusive, 32, 34, 35, 37, 38, 40-49, inclusive, and 51-54, inclusive under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,905,706 to Duff *et al.*;
- (b) rejected claims 1-5, inclusive, 7, 10, 14-29, inclusive, 34, 39, 41, 42, 44-46, inclusive, 48, 49, and 51-54, inclusive, under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,643,548 to Ami *et al.*;
- (c) rejected claims 1-7, inclusive, 10, 11, 14-17, inclusive, 20-22, inclusive, 25-33, inclusive, 39, 41-44, inclusive, 50, and 51-54, inclusive under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,869,404 to Schulhauser *et al.*;
- (d) rejected claims 8, 9, 12 and 13 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,869,404 to Schulhauser *et al.*; and
- (e) rejected claim 36 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,905,706 to Duff *et al.*

With respect to these specific categories of claim rejections, the Examiner made a number of particular comments pointing out her reasoning.

By the present Amendment, and after carefully considering the disclosure contents of the several cited and applied prior art patents, along with the specification, claims, abstract and drawings in this case, applicants propose in this Amendment certain changes in the package of claims presented in this case, which changes are believed to leave for consideration in this case claims which

are clearly distinguishable from, and patentable over, anything shown and/or suggested by the cited and applied references. Very specifically, applicants have herein cancelled claims 1-43, inclusive, without prejudice, leaving in this case originally presented claims 44-54, inclusive, and have added a new method claim 55.

While there are many features of applicants' invention, as set forth in the claims now remaining in this case (on the basis of entry of this Amendment), which distinguish applicants' invention from the direct disclosures and suggestions arguably presented by the cited and applied prior art patents, a key distinguishing feature set which is clearly presented in all of applicants' claims, and which is completely lacking in all respects from all of the cited and applied prior art, collectively or individually, is the practice of, and the structure provided for, the filtering of collected heart-sound data into preselected frequency bands, followed by the use of selected timing, or temporal, windows in which to search for certain data characteristics, thus to "make a call" regarding the presence or absence of a particular selected category of heart sound. The practice of frequency-band filtering lies as a key step of important utility in the practice of applicants' invention, and is neither shown nor suggested by any portion of the contents of any one of the cited and applied prior art references.

Lacking, inter alia, this important frequency-band filtering practice, and the necessary structure for performing this practice, the prior art cannot fairly be said either to anticipate or to make obvious applicants' invention. The teachings of the prior art patents involve various heart-information-gathering approaches which do not utilize the important, information-focusing, frequency-band filtering methodology which lies as a key contributor to the uniqueness and utility of applicants' claimed invention.

The originally presented claims which remain in this case clearly contain appropriate limitations focusing attention on the presence, and the importance, of frequency-band filtering. New method claim 55 also clearly contains this frequency-band filtration methodology step.

Accordingly, all claims now presented in this application are urged by applicants to be clearly and significantly distinguishable over anything shown or suggested by any of the cited and applied prior art references, viewed either singly or in combinations. Accordingly, applicants respectfully request favorable reconsideration of this application, and early allowance of all claims remaining in this application on the basis of entry of this Amendment. If the Examiner has any questions regarding the amendment or remarks, the Examiner is invited to contact Attorney-of-Record Jon M. Dickinson, Esq., at 503-504-2271.

Request for Extension of time in Which to Respond

Applicants hereby request an extension of time under 37 C.F.R. § 1.136. A PTO Form 2038 Credit Card authorization in the amount of \$60.00 is enclosed to pay the requisite extension fee. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any over-payment to Account No. 22-0258.

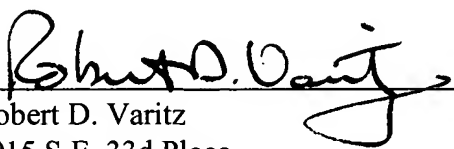
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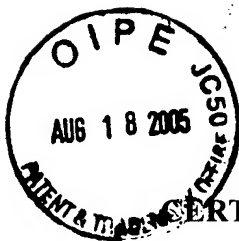
23855

Respectfully Submitted,

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Telephone: 503-720-1983
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Robert D. Varitz
4915 S.E. 33d Place
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CERTIFICATE OF EXPRESS MAILING

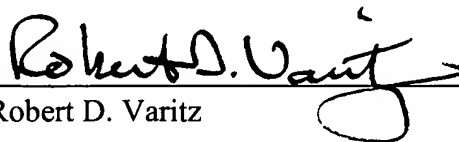
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Date of Deposit - August 18, 2005

EV713893014US

I hereby certify that the attached Response to Office Action under 37 C.F.R. § 1.111; REQUEST FOR EXTENSION OF TIME IN WHICH TO RESPOND and A PTO Form 2038 credit card authorization in the amount of \$60.00 are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to:

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Washington, D.C. 22313-1450


Robert D. Varitz

Zeppie, Adam
ID: Demo1101
74yr 72lb 157lb
Male Caucasian
Med:
Location:
Comment:



09/18/01 1
Vent rate: 40 BPM
PR int: 178 ms
QRS dur: 78 ms
QT/QTc: 394/323 ms
P-QRS-T axes: 49 50 49
Reviewed by:

CARDIAC REPORT

ABNORMAL ECG
NORMAL SINUS RHYTHM
MEDIUM ANTERIOR NON-ACUTE INFARCT
STRONG EVIDENCE OF LEFT VENTRICULAR HYPERTROPHY
S3, S4 DETECTED

UNCONFIRMED REPORT

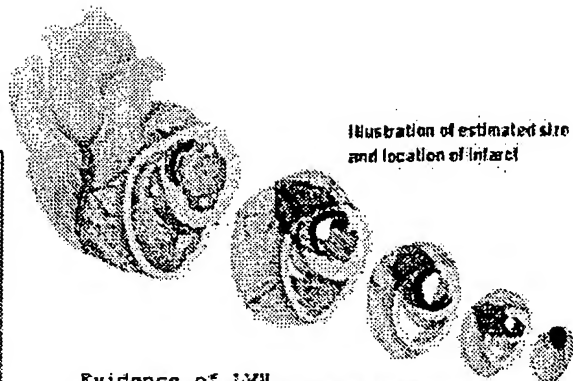
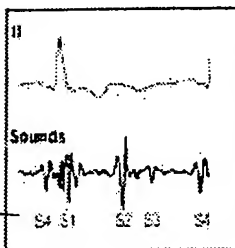


Illustration of estimated size and location of infarct

Evidence of LVH

Minimal Moderate Strong

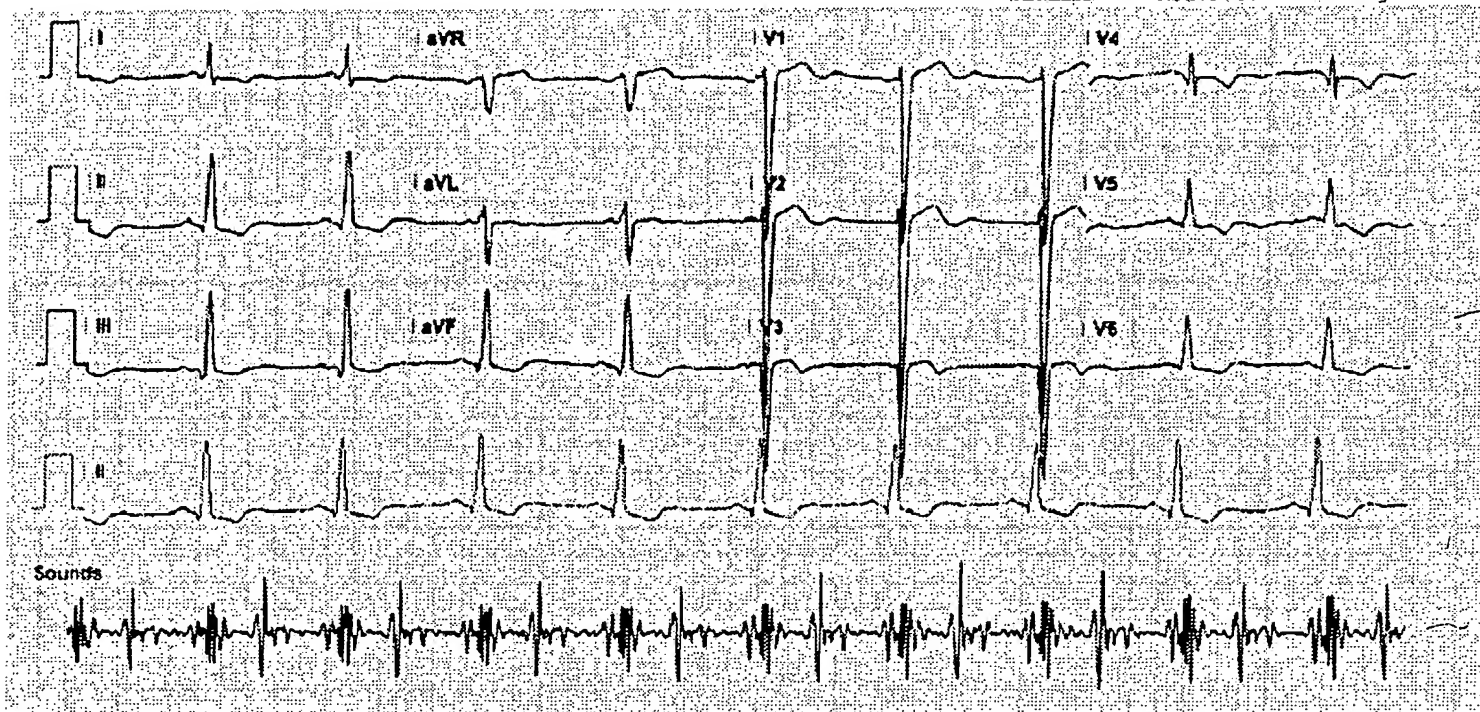


Fig 1

150Hz 003 w09.97 CV 3.1.25

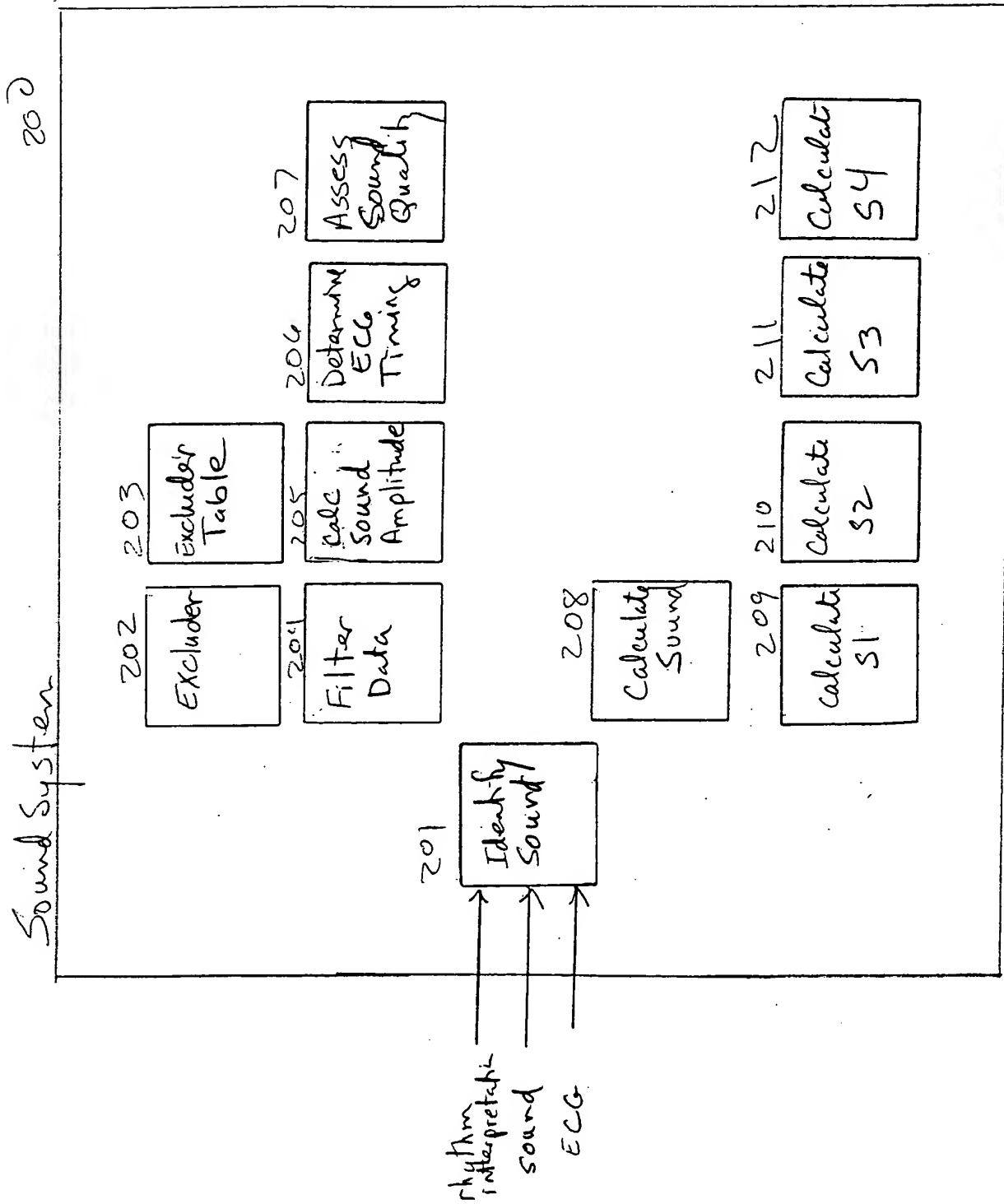


Fig 2

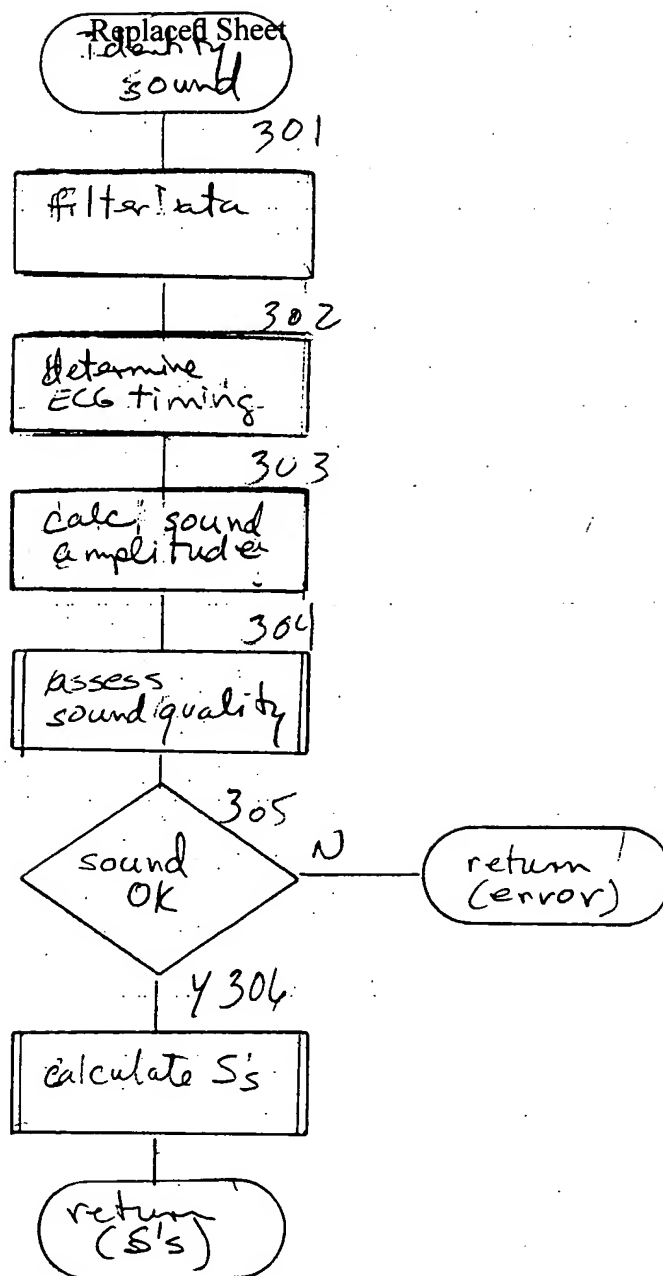
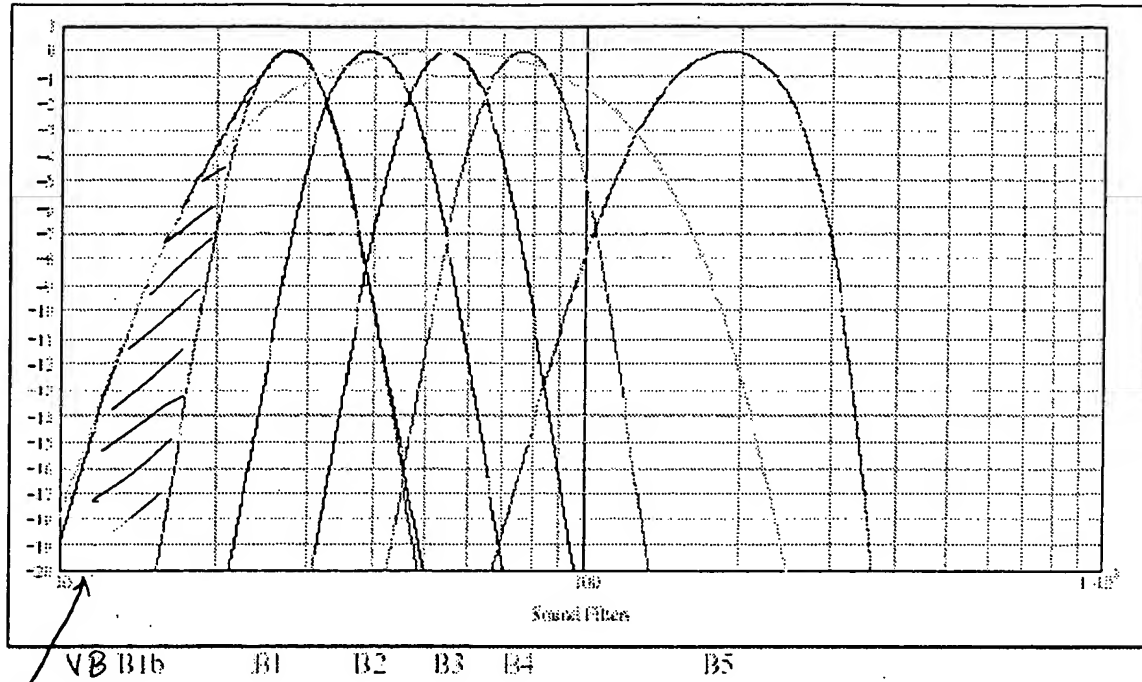


Fig 3A



301

Fig 3B

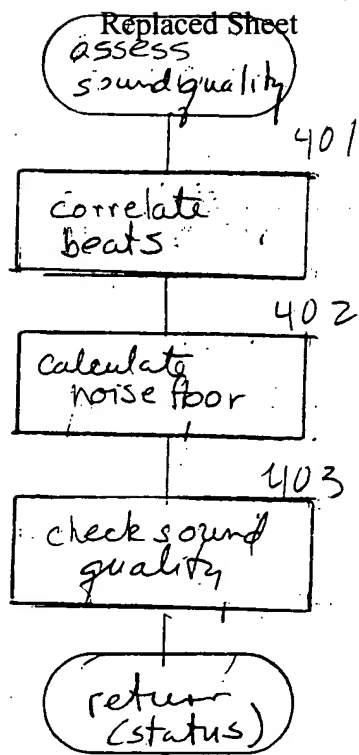


Fig 4

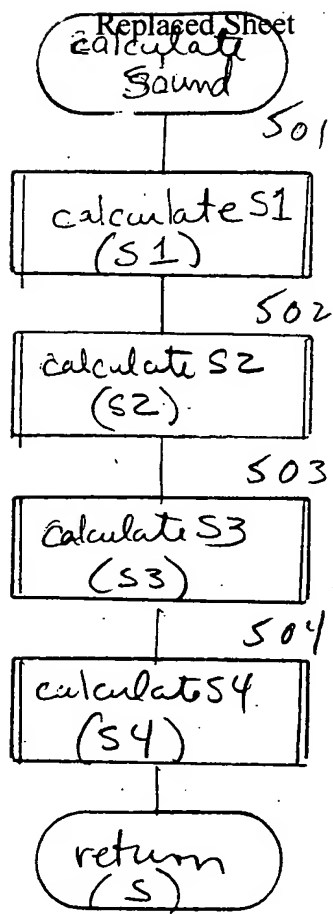


Fig 5

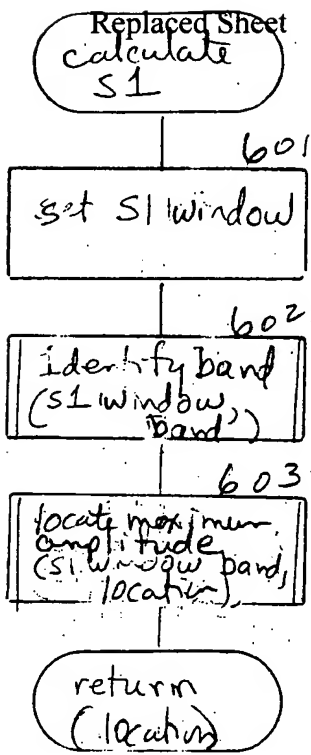


Fig 4

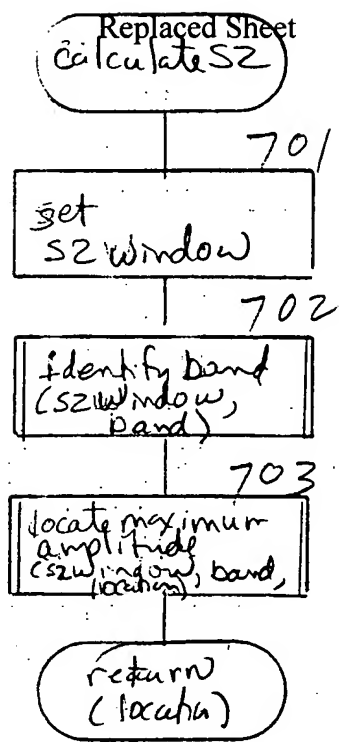


Fig 7

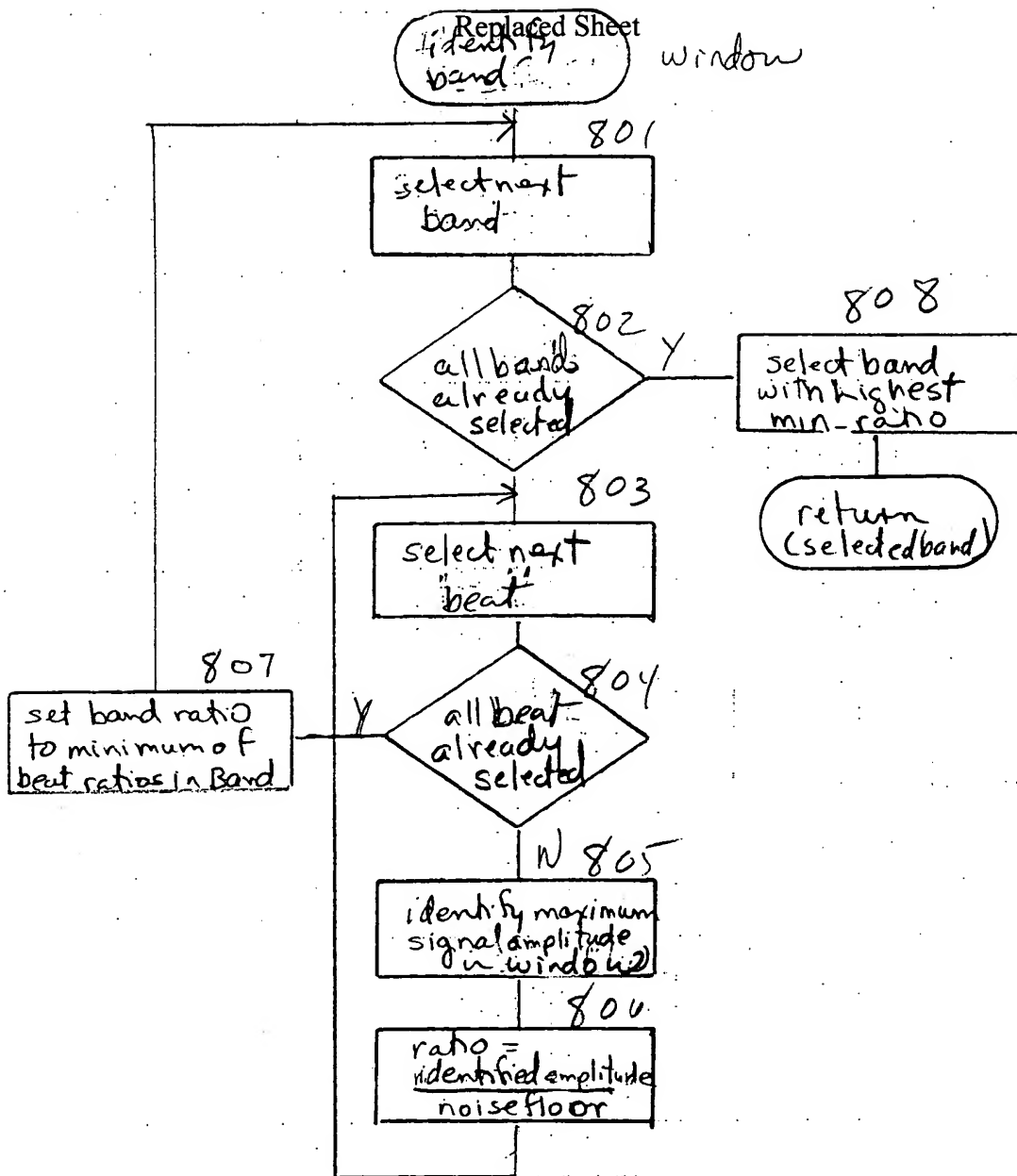


Fig 8

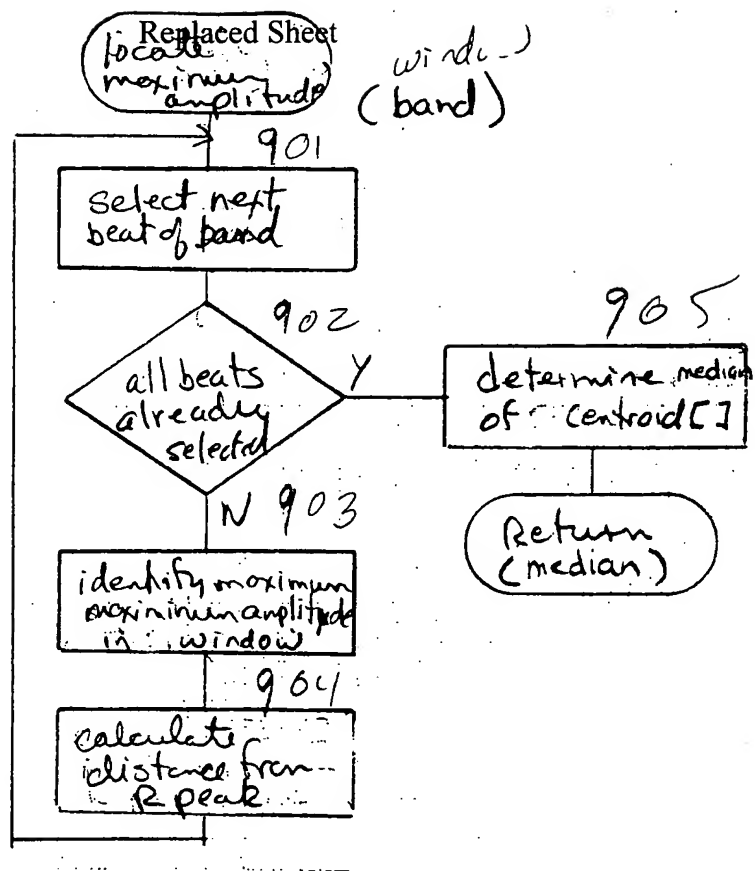


Fig 9

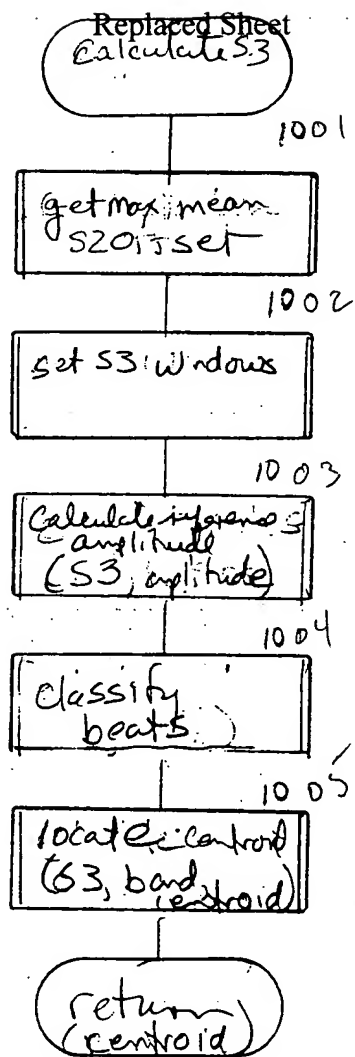


Fig 10

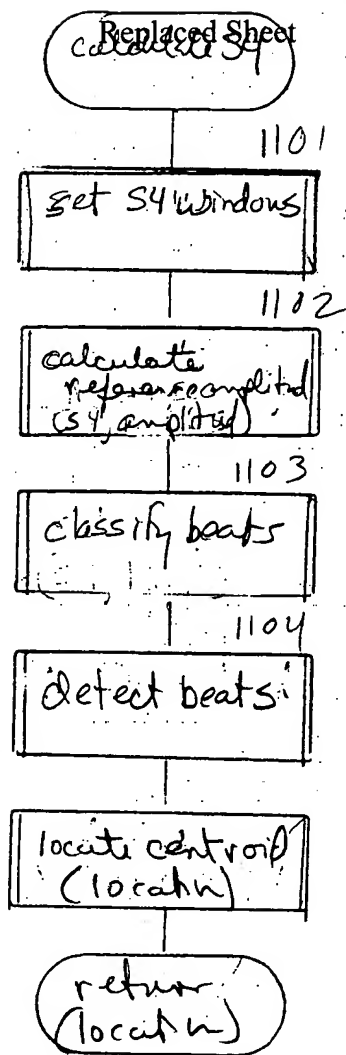


Fig. 11

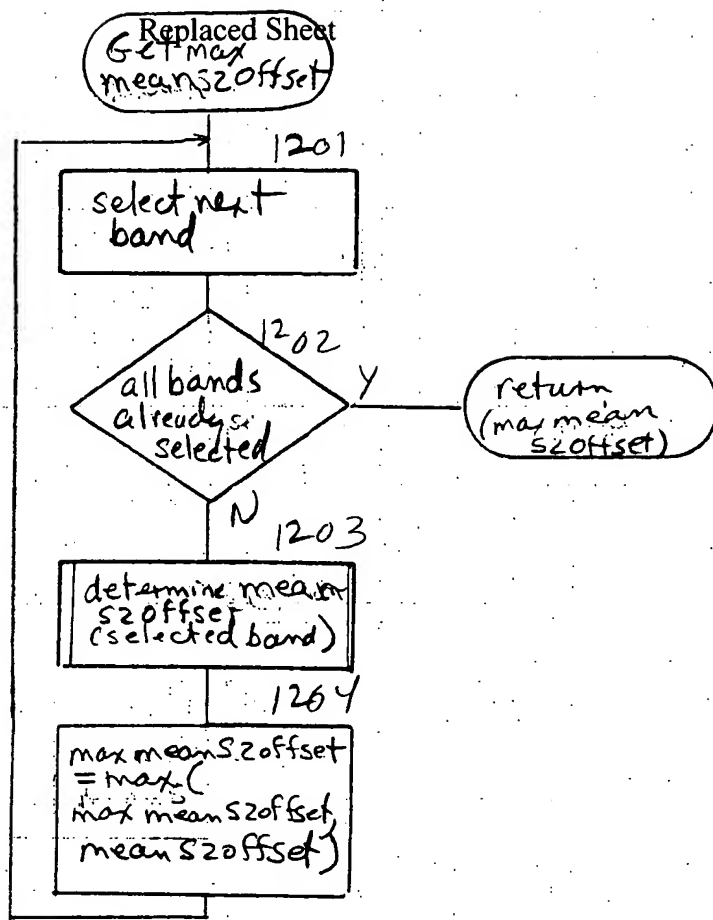


Fig 12

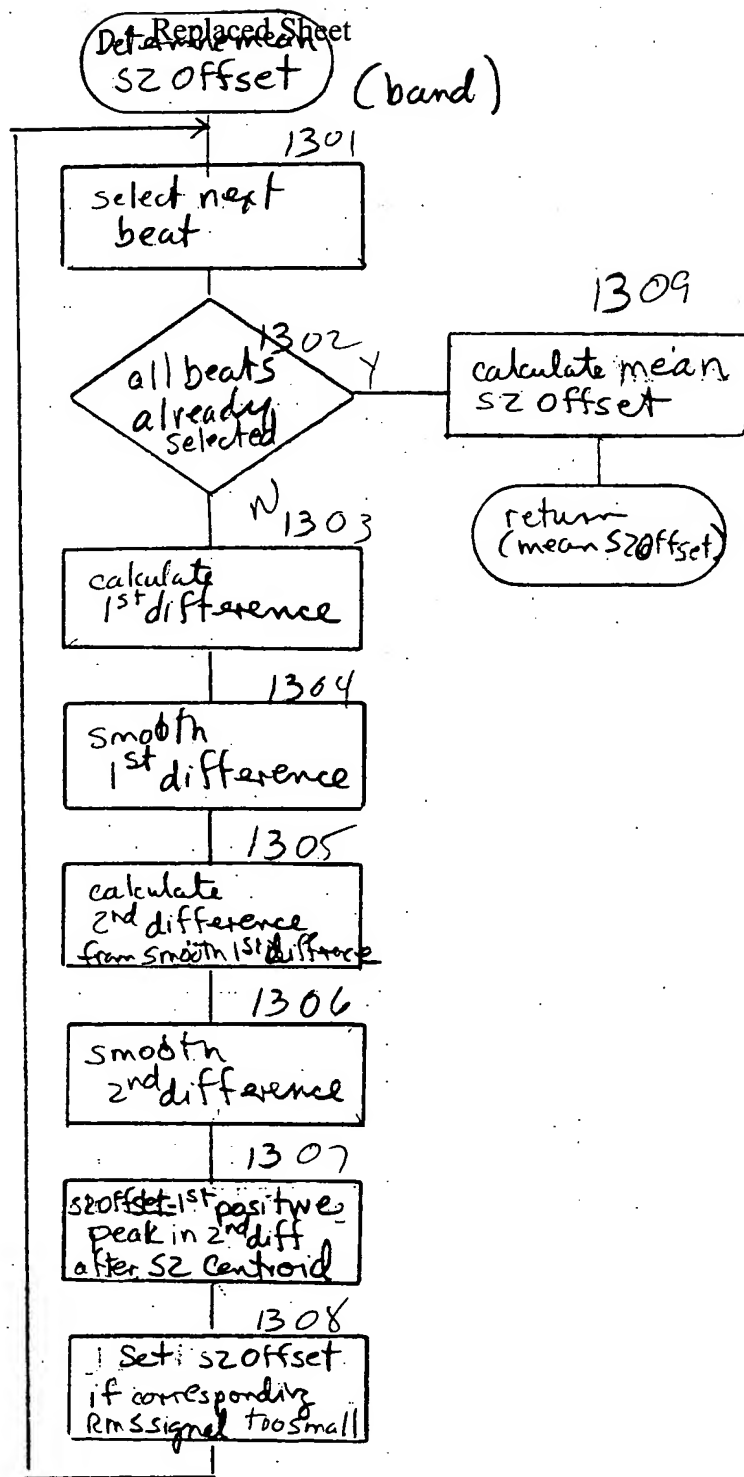


Fig 13

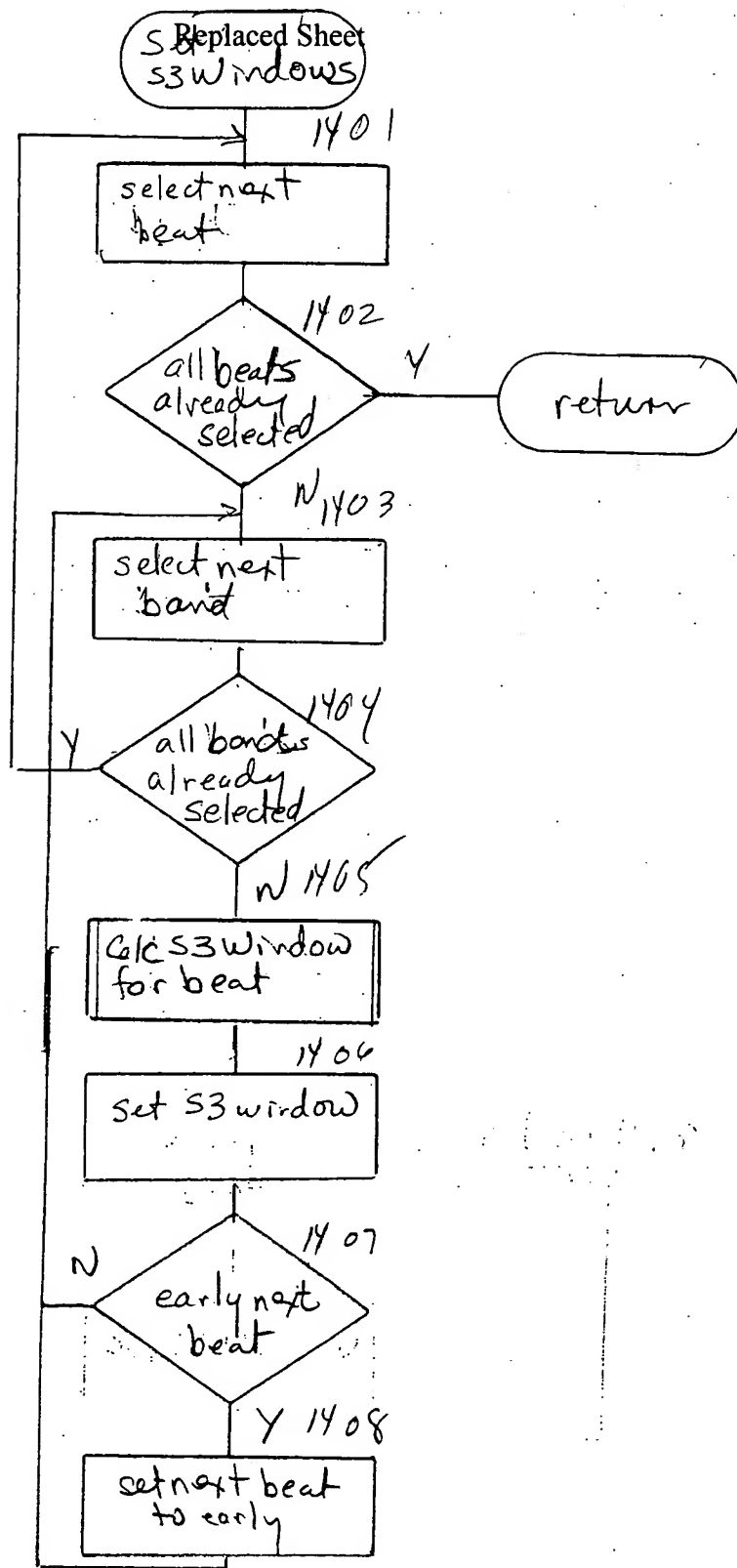


Fig 14

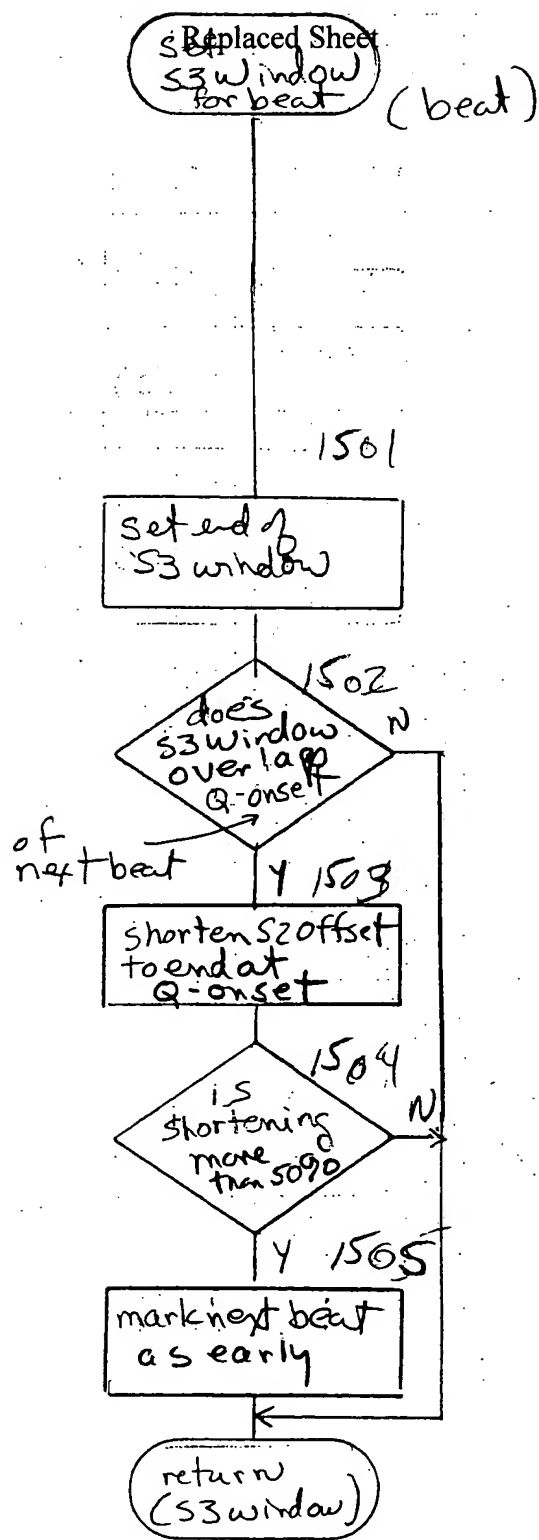


Fig 15

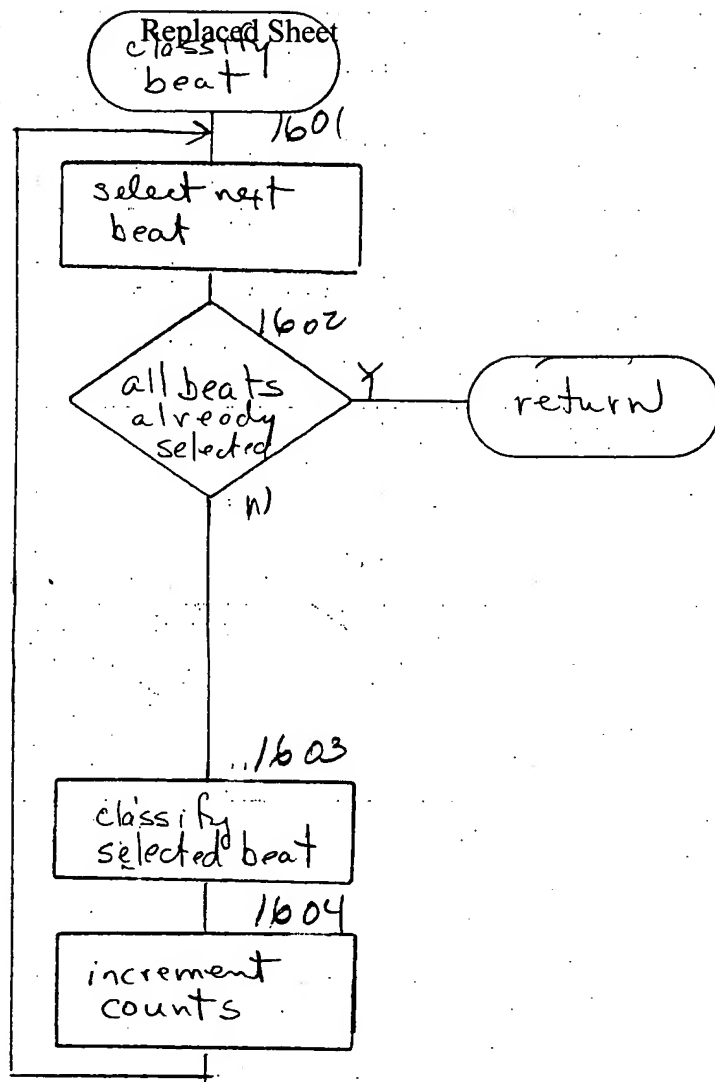


Fig 16

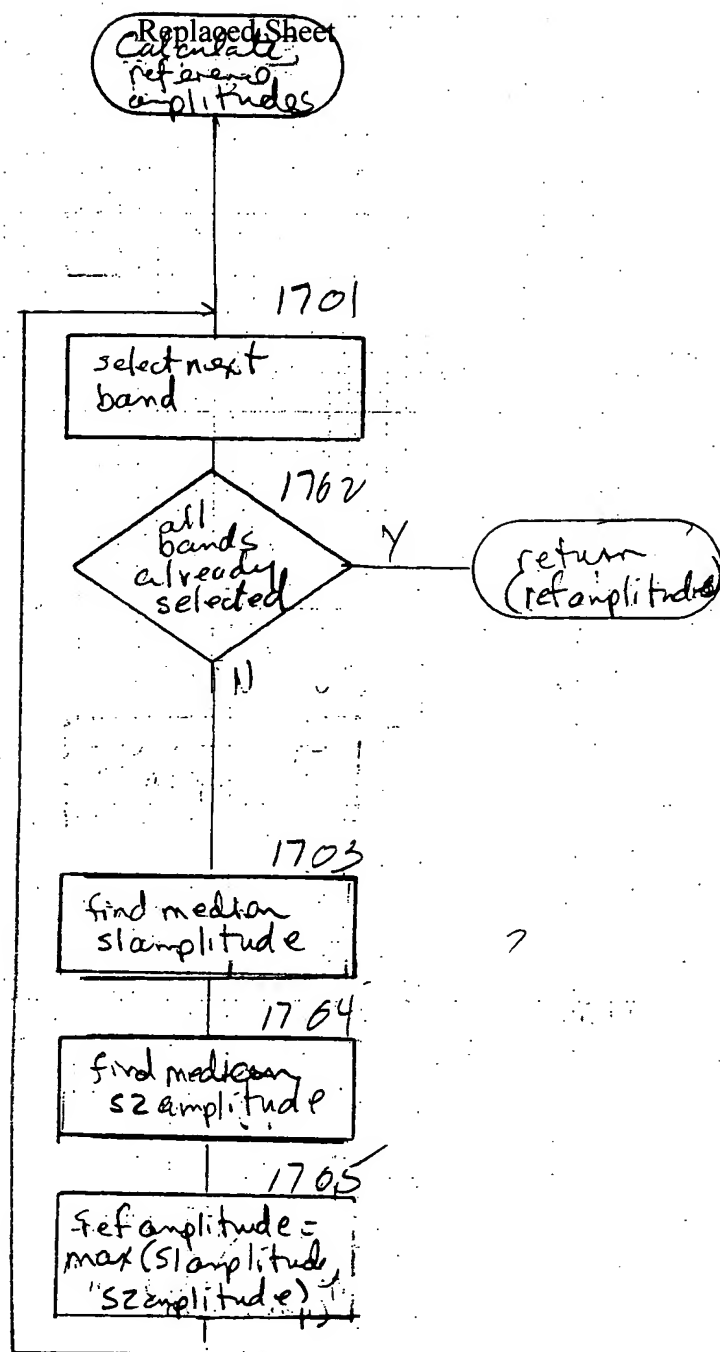


Fig 17

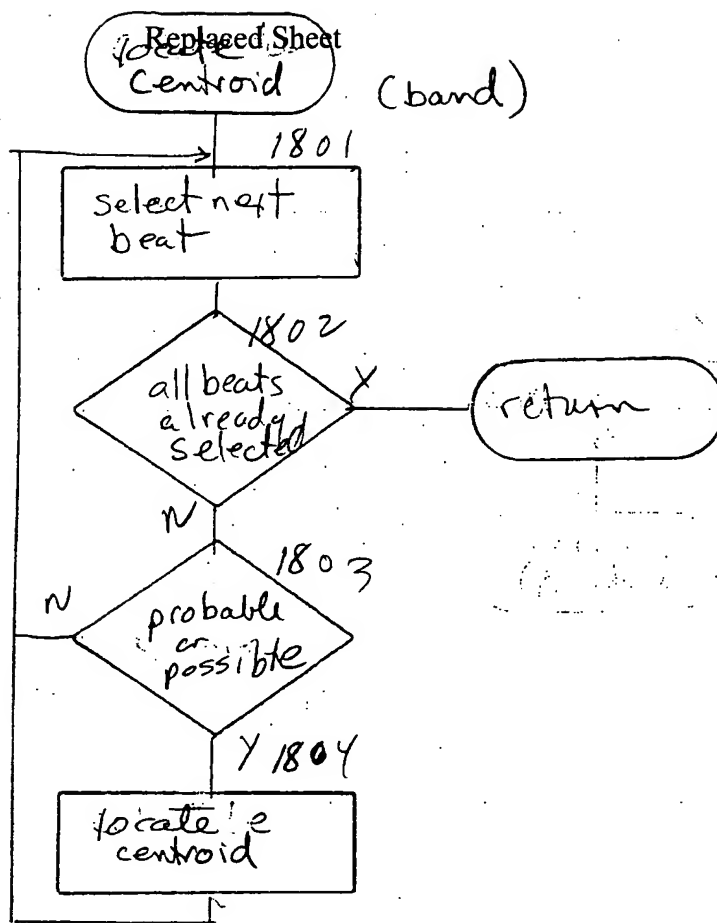


Fig 18

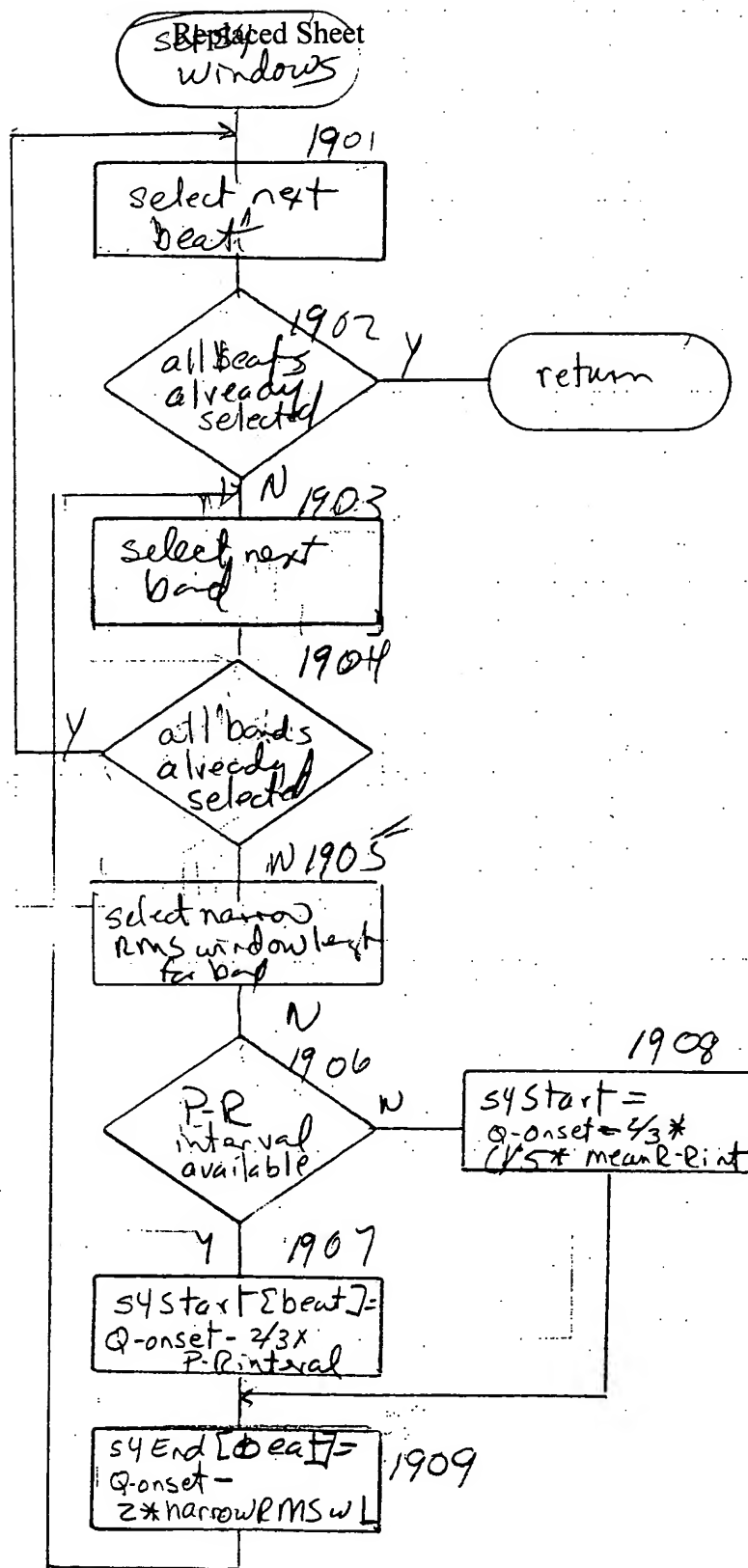


Fig 19